

Serial No. 10/770,928, filed 2/3/04

REMARKS

Claims 10-18 are presently pending in the application. Claims 17 and 18 have been introduced by this amendment. Claim 10 is in independent form.

The specification has been amended to include the priority claim.

Claim 10 and 16 were rejected under §102(b) over Mogford. Claim 10 has been amended to require that an exterior surface of an outer wall defines the first interlocking feature. This is not disclosed in Mogford. First, an interior surface in Mogford defines what the Examiner calls the first interlocking feature. Second, the axle component mounting member is not arranged on the exterior surface in Mogford. For at least these reasons, Mogford cannot meet amended claim 10.

Claims 10 and 15 were rejected under §102(b) over Pinch. Claim 10 has been amended to clarify that the exterior surface of the outer wall defines the first interlocking feature. In Pinch, a plug, which is separate from the outer wall is fusion bonded to the tubular member. That is, the outer wall does not define a first interlocking feature. Accordingly, Pinch cannot meet the limitations of claim 10.

Claims 10-12 and 14 were rejected under §103 over Dougherty alone. The Examiner acknowledges that Dougherty does not disclose a tubular member. The Examiner argues that one would modify Dougherty to provide a tubular member to reduce the weight of the axle as is "well-known" in the art. If the Examiner is attempting to take official notice, then Applicant challenges the notice, which requires the Examiner to provide a printed patent or publication for support.

Additionally, one of ordinary skill would not be motivated to modify Dougherty to provide a tubular member. Specifically, Dougherty is directed to solving a particular problem relating to the use of solid bar stock, as set forth in column 1, lines 10-54. In particular, the forming process requires a hot forging step followed by a cold extrusion step. The bar stock must be selected of a larger size so as to provide the needed volume during the deformation process. Since hot forging and cold extrusion are used, and given the specific teachings of Dougherty, a use of a tubular axle member would not be possible. How would one support

Serial No. 10/770,928, filed 2/3/04

the interior cavity of the tubular member during the deformation processes described in Dougherty? Moreover, there would be no motivation to using a tubular member since Dougherty is concerned with solving a process related to the use of forming bar stock, specifically. Also, new claims 17 and 18 cannot be met by any of the references.

It is believed that no additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, for any additional fees or credit the account for any overpayment.

Respectfully submitted,



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